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Question of Western Sahara

Report of the Secretary-General

Introduction

1. On 3 December 1998, the General Assembly adopted, without a vote, resolution 53/64 on the question of Western Sahara. The Secretary-General, in close cooperation with the current Chairman of the Organization of African Unity (OAU), has continued to exercise his good offices with the parties concerned. The present report, which covers the period from 30 September 1998 to 31 August 1999, is submitted in pursuance of paragraph 10 of that resolution.

Secretary-General's report of 26 October 1998

2. Pursuant to Security Council resolution 1198 (1998) of 18 September 1998, the Secretary-General submitted a progress report on 26 October 1998 (S/1998/997) whereby he informed the Security Council that, as the best means of moving forward in the implementation of the Settlement Plan, he had decided to accept his Special Envoy's recommendation to resume without delay identification of those applicants from tribal groupings H41, H61 and J51/52 who wished to present themselves individually, and at the same time to begin the appeals process. He therefore asked the Under-Secretary-General for Peacekeeping Operations, Bernard Miyet, his Special Representative and the Chairman of the Identification Commission, to travel to Rabat and Tindouf to submit to the parties a set of measures intended to overcome obstacles, so as to make decisive progress in the organization of the referendum provided for under the Settlement Plan. During its mission, from 17 to 24 October, the United Nations delegation submitted various documents to the Moroccan Government and to the Frente Popular para la Liberación de Saguia el-Hamra y del Río de Oro (Frente POLISARIO) containing, *inter alia*, a protocol on the identification of those applicants from tribal groupings H41, H61 and J51/52 wishing to present themselves individually, another on the appeals process, a memorandum on the activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) and an outline of the next stages of the Settlement Plan. A protocol on the repatriation of refugees would be submitted to the two parties, and to the Algerian and Mauritanian authorities, subsequently. The United Nations delegation also travelled to Algiers and Nouakchott to seek the views of the Algerian and Mauritanian authorities and to obtain their support.

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3. It was proposed to the parties that their final agreement to the above documents would need to be obtained by mid-November 1998. This would allow UNHCR to proceed immediately with preparations for the repatriation of the refugees and for the identification of the applicants from tribal groupings H41, H61 and J51/52 as well as for the appeals process, to begin on 1 December 1998, the date scheduled for the publication of the provisional list of voters other than those in the three groupings. In accordance with the outline of the next stages of the Settlement Plan, the appeals process for other applicants could conclude in March 1999, and identification of applicants from the three groupings could be concluded in April 1999.

4. With respect to UNHCR, the Secretary-General reported that in September 1998 the Minister of the Interior of Morocco had visited Laayoune where he had assured the Special Representative that UNHCR would be able to undertake its preparatory work. UNHCR then informed the Moroccan authorities of its readiness to deploy a mission to Morocco and the Territory, west of the berm, to commence its activities, including confidence-building, infrastructure development and road reconnaissance.

5. The Secretary-General informed the Security Council that UNHCR had been prepared to resume the pre-registration exercise in the Tindouf camps in Algeria on 3 October 1998 and, accordingly, to hold early discussions with the refugees, the camp leaders, the sheikhs and the notables. The pre-registration had not resumed as planned, however, since the camp authorities and the refugees had been reluctant to cooperate with UNHCR without instructions from the Frente POLISARIO. In its subsequent discussions with UNHCR, the Frente POLISARIO had sought and had received clarification on a number of issues relating to the UNHCR preparatory work before agreeing to the resumption of pre-registration in the camps.

6. Concluding his report, the Secretary-General observed that since the deadlock was attributable primarily to the inability of the Government of Morocco and the Frente POLISARIO to reach a compromise on the much-debated issue of tribal groupings H41, H61 and J51/52, he had decided to present his own arbitration in order to move ahead on the issue. The proposals that he was making were fully in keeping with the provisions of the Settlement Plan, including paragraph 20 of the Secretary-General's report of 19 April 1991 (S/22464), which stipulated that:

> "The Commission's mandate to update the 1974 census will include (a) removing from the lists the names of persons who have since died and (b) considering applications from persons who claim the right to participate in the referendum on the grounds that they are Western Saharans and were omitted from the 1974 census."

It was, moreover, in this spirit that, in his letters of 28 March 1998 to the two parties, the Special Representative had stated that the United Nations was adhering to the principle that any registered applicant from any tribal grouping who met any of the identification criteria would be entitled to have his or her name included in the list of voters.

7. The Secretary-General added that, in order to avoid taking an arbitrary decision which might lead to the exclusion of persons eligible to vote, having regard to respect for that democratic principle, he saw no other alternative than to ask the Identification Commission to proceed to consider requests from any applicants from the tribal groupings in question who wished to present themselves individually, in order to verify whether they had the right to vote, in accordance with the five eligibility criteria accepted by the parties. Naturally, the parties would have to adhere strictly to the conditions under which this review was to be implemented, as provided for in the Houston agreements and specifically in annex I to the Secretary-General's report of 24 September 1997 (S/1997/742), which stipulated that: "The parties agree that they will not directly or indirectly sponsor or present for identification anyone" from these tribal groupings, although the parties will not be obligated to actively prevent individuals from such tribal groupings from presenting themselves.

8. Since embarking on this supplementary identification operation would prolong the Identification Commission's programme of work, the Secretary-General thought it advisable to launch the phase of the appeals process simultaneously so as not to postpone the referendum for too long; this would be in keeping with the wishes publicly expressed by the two parties. It would therefore be necessary to publish by 1 December 1998 the provisional list of voters resulting from the work of the Identification Commission on tribes other than tribal groupings H41, H61 and J51/52, so as to begin on that date the appeals process for tribes already identified.

9. Since the holding of the referendum would also depend on the measures taken in anticipation of the return of refugees who would have been declared eligible to vote, together with their immediate family members, it would be important that the Government of Morocco, the Frente POLISARIO and the Governments of Algeria and Mauritania should grant the United Nations, particularly UNHCR, as soon as possible all necessary facilities and

guarantees to enable them to prepare for the refugees' return in an optimum manner. In that connection the Secretary-General recommended that the UNHCR presence and establishment in the Territory should be formalized in the very near future.

10. Concluding, the Secretary-General observed that the proposals that he was submitting to the Security Council for consideration involved adjusting the timetable presented in annex II to his report of 13 November 1997 (S/1997/882). However, strict adherence to the new deadlines could be ensured only if the parties cooperated unreservedly in the implementation of the proposed programme and if the Security Council provided MINURSO in good time with the necessary administrative, financial and human resources. He noted that the Moroccan Government and the Frente POLISARIO had voiced no objections and had stated their intention to cooperate actively with MINURSO in implementing the proposals in the report. Moreover, the proposals had been favourably received by the Algerian and Mauritanian Governments, which had promised their full support.

Security Council resolution 1204 (1998)

11. On 30 October 1998, the Security Council adopted resolution 1204 (1998) by which it decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 17 December 1998. The Council welcomed paragraph 4 of the report of the Secretary-General, regarding the protocol relating to the identification of those presenting themselves individually from tribes H41, H61 and J51/52, the protocol relating to the appeals process, the memorandum pertaining to the activities of UNHCR in the region and an outline of the next stages of the Settlement Plan, and called upon the parties to agree to the package of measures by mid-November 1998 in order to allow positive consideration of further stages in the settlement process. The Council also welcomed the agreement of the Moroccan authorities to formalize the presence of UNHCR in the Western Sahara, and the agreement of the Frente POLISARIO to resume pre-registration activities in the refugee camps, and requested both parties to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the Settlement Plan. It supported MINURSO's intention to start publishing the provisional list of voters by 1 December 1998, and requested the Secretary-General to report to the Council by 11 December 1998.

Secretary-General's report of 11 December 1998

12. Pursuant to Security Council resolution 1204 (1998), the Secretary-General, on 11 December 1998, submitted to the Council a progress report (S/1998/1160) in which he informed the Council that as had been envisaged in his previous report, he had travelled to the region on 7 November 1998, accompanied by his Special Representative, Charles F. Dunbar, and other senior United Nations officials. Although it was initially planned that his visit would be from 7 to 16 November, developments elsewhere compelled him to return to Headquarters on 12 November. He resumed his visit from 29 November to 2 December in order to meet with the Frente POLISARIO and the Algerian authorities.

13. On 7 and 8 November, the Secretary-General was received in Nouakchott by the President of the Islamic Republic of Mauritania, Maaouya Ould Sid'Ahmed Taya, and met with the Prime Minister and other senior officials of the Mauritanian Government. At Laayoune in Western Sahara, on 9 November, he visited MINURSO headquarters and met with the Moroccan Minister of the Interior and a group of Saharan dignitaries. At Marrakesh in Morocco, on 10 and 11 November, he was received by H.M. King Hassan II and met with Crown Prince Sidi Mohamed, Prince Moulay Rachid, the Prime Minister and other senior government officials. During his resumed visit to the region, on 30 November, the Secretary-General met with the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz, and other senior POLISARIO officials, as well as a group of Saharan dignitaries in the Tindouf area of Algeria. On 1 and 2 December, he was received in Algiers by the President, Liamine Zeroual, and met with the Prime Minister and other senior government officials.

14. The Secretary-General reported that during discussions in Marrakesh, the Moroccan authorities, while reiterating their readiness to cooperate with UNHCR, had expressed their concern about key provisions of the package of measures proposed by the United Nations, in particular the simultaneous implementation of the appeals and identification procedures. The authorities had argued that this was not in line with the Settlement Plan and would undermine the equal treatment which should be accorded to all applicants, also that the issuance of the provisional list of potential voters at that stage would trigger negative public reactions. The Secretary-General had assured his interlocutors that, while designed to accelerate the referendum process, as requested by the parties, no measure would infringe on the right of applicants, including those from the three groupings mentioned above, to be identified

and to appeal, and that the United Nations was determined to abide by the principles of impartiality and objectivity. The Moroccan authorities had promised a formal response to the package shortly.

15. In Tindouf, the Frente POLISARIO leadership had expressed its formal acceptance of the package of measures and had presented a memorandum to that effect. The Algerian and Mauritanian authorities had assured the Secretary-General of their full support for the package of measures.

16. The Secretary-General informed the Security Council that on 20 November 1998, the Moroccan Minister for Foreign Affairs and Cooperation had transmitted a memorandum containing his Government's formal response to the draft protocols. The memorandum confirmed the interrogations and concerns of the Moroccan authorities regarding the proposed package and expressed the view that the principles of self-determination, cooperation and impartiality upon which the Settlement Plan was based appeared to be called into question.

17. The Security Council was further informed that, on 1 December 1998, the Identification Commission had communicated to the parties the results of the identification since the beginning of the process in 1994. This had followed a review by the Commission of all files, incorporating pertinent observations by the parties on individual cases, additional information provided by applicants, cross-referenced eligibility determinations on family members, and internal consistency measures. However, in the light of the position taken by the Government of Morocco in its memorandum addressed to the Secretary-General on 20 November 1998 and in the absence of practical steps for implementation on the ground, the Identification Commission had not published the provisional list of potential voters on 1 December 1998.

18. Concluding his report, the Secretary-General observed that while the package had been formally accepted by the Frente POLISARIO and had received the full support of Algeria and Mauritania, the initial concerns expressed by the Government of Morocco during his visit to Marrakesh had been reiterated in its memorandum of 20 November 1998. He added that the implementation of his proposal to launch simultaneously the identification and appeals processes would clearly demonstrate the readiness of both parties to compromise and their willingness to accelerate the referendum process, in accordance with the wishes they had publicly expressed in recent months. In view of the concerns expressed by Morocco, the Secretary-General had reiterated that the proposed measures would entitle all applicants both to an initial identification hearing and to be part of a just and comprehensive process of appeals.

19. To allow for further consultations which would hopefully lead to an agreement on the various protocols before 31 January 1999, without undermining the integrity of the proposed package or calling into question the main elements of the draft protocols, the Secretary-General had recommended that the mandate of MINURSO be extended until that date.

Security Council resolution 1215 (1998)

20. On 17 December 1998, the Security Council adopted resolution 1215 (1998), by which it extended MINURSO's mandate until 31 January 1999 to allow for further consultations in the hope that they would lead to agreement on the various protocols submitted to the parties without undermining the integrity of the Secretary-General's proposed package or calling into question its main elements. The Council noted in that regard that the implementation of the Secretary-General's proposal to launch simultaneously the identification and the appeals processes could clearly demonstrate the willingness of the parties to accelerate the referendum process, in accordance with the wishes they had publicly expressed. The Council called upon the parties and interested States to sign as soon as possible the proposed refugee repatriation protocol with the UNHCR, urged the Government of Morocco to formalize the presence of the UNHCR in the Territory and requested both parties to take concrete action to enable the UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote. The Council urged the Government of Morocco to sign promptly a status-of-forces agreement with the Secretary-General as an indispensable condition for the full and timely deployment of MINURSO-formed military units and requested the Secretary-General to report to the Council by 22 January 1999.

Secretary-General's report of 28 January 1999

21. In his report of 28 January 1999 (S/1999/88), the Secretary-General recalled that the Frente POLISARIO had formally accepted the package of measures which he had proposed with a view to accelerating the referendum process. For its part, the Government of Morocco had expressed concerns and had sought clarifications about certain key provisions of the package.

22. Consultations between the United Nations and the Moroccan authorities had begun, in late December 1998. They had intensified by mid-January 1999 and were still continuing in Rabat and New York. The Secretary-General also recalled that the Moroccan Minister for Foreign Affairs and Cooperation, Abdellatif Filali, had transmitted a memorandum containing his Government's formal response to the draft protocols and confirmed the queries and concerns of the Moroccan authorities regarding several key elements of the proposed package. In his reply dated 13 January 1999, the Secretary-General had sought to address those concerns and to provide clarification of all the points raised in the memorandum.

23. Accordingly, following a meeting with the Moroccan Minister of the Interior held at Rabat on 18 January 1999, the Special Representative and the Chairman of the Identification Commission, on 21 January, had begun a series of daily consultations with a Moroccan delegation to discuss the draft protocols on voter identification and on the appeals procedures. During the meetings, held at Rabat until 25 January, MINURSO had provided extensive clarifications on the measures detailed in the above documents. The delegation had advised the Special Representative that the Moroccan Government would require some days to study the clarifications and had indicated that, in the light of MINURSO's clarifications, the Government intended to propose, in writing, specific amendments to the texts of the protocols, which it believed would enable it to accept the package of measures.

24. The Secretary-General informed the Security Council that as a result of the period of operational inactivity, and pending the completion of the consultations, the contracts of 50 Identification Commission personnel had not been renewed when they had expired on 31 December 1998 while other Commission staff had been reassigned to administrative functions in MINURSO. The remaining Commission personnel were sufficient to undertake the necessary preparatory work for the resumption of identification activities and the start of the appeals process.

25. With respect to UNHCR activities, the Secretary-General informed the Security Council that, as he had indicated in his previous report, the resumption of the pre-registration exercise in the two remaining camps in Tindouf continued to be subject to the implementation of the other measures in the package of proposals.

26. At the same time, on 7 and 8 January 1999, UNHCR had met in Geneva with a high-level Moroccan delegation, which had confirmed its Government's decision to formalize UNHCR's presence in the Territory. The Moroccan delegation and UNHCR had also held preliminary discussions on the draft protocol for the repatriation of refugees. In a letter to the United Nations High Commissioner for Refugees dated 18 January 1999, the Moroccan Minister for Foreign Affairs and Cooperation had confirmed his Government's decision regarding the effective formalization of UNHCR's presence. Subsequently, preliminary discussions had been held between UNHCR and the Moroccan authorities in Rabat on 22 and 23 January, to confirm administrative modalities regarding UNHCR's presence in Laayoune.

27. Concluding his report, the Secretary-General expressed the hope that after the extensive clarifications requested by the Government of Morocco had been promptly submitted by the United Nations, the Government of Morocco would be in a position to present to his Special Representative the specific changes which it had said it wished to propose to the texts of the protocols. Assuming that the changes did not affect the balance and spirit of the package of measures and permitted the identification and appeals operations to be implemented within the time-frame envisaged in the package, the current consultations would lead to a prompt resumption of identification and to the initiation of the appeals process.

28. The Secretary-General welcomed the decision of the Government of Morocco to formalize the status of UNHCR in the Territory as it was imperative that the preparatory work for the return of the refugees eligible to vote in the referendum, together with their immediate families, should begin as soon as possible. He expressed hope that, given the importance of that activity, the Frente POLISARIO would allow the pre-registration operation in the Tindouf camps to resume. The Secretary-General called upon the Government of Morocco to begin without delay discussions with UNHCR on the draft repatriation protocol. For its part, the United Nations would respond promptly to the comments on the protocol submitted by the Frente POLISARIO and the Government of Algeria.

29. In the light of the foregoing, the Secretary-General recommended that MINURSO's mandate be extended for four weeks, until 28 February 1999, in the expectation that the discussions under way would lead to a full and detailed agreement on the identification, appeals and repatriation planning activities, as well as on the implementation calendar.

Security Council resolution 1228 (1999)

30. On 11 February 1999, the Security Council adopted resolution 1228 (1999), by which it extended MINURSO's mandate until 31 March 1999 to allow for consultations in the hope and expectation of agreement on the protocols on identification, appeals and repatriation planning activities, as well as on the essential issue of the implementation calendar, without undermining the integrity of the Secretary-General's proposed package or calling into question its main elements for the prompt resumption of voter identification and initiation of the appeals process. The Council also requested both parties to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and of their immediate families, according to the Settlement Plan. It supported the intention of the Secretary-General to ask his Personal Envoy to reassess the viability of MINURSO's mandate, should the prospects for putting the package of measures into effect remain elusive at the time of submission for the Secretary-General's next report.

Secretary-General's report of 22 March 1999

31. Pursuant to Security Council resolution 1228 (1999) of 11 February 1999 the Secretary-General on 22 March 1999, submitted a report (S/1999/307) to the Council whereby he informed the Council that during the reporting period, his Special Representative, the Chairman of the Identification Commission and other Commission officers had continued discussions on the package with the Moroccan Minister of the Interior and other Moroccan officials. In the course of those discussions, each side had provided the other with further clarification of its view of how the package of measures should be applied.

32. On 25 and 26 February 1999, a delegation from Rabat had visited United Nations Headquarters for further consultations with the Secretariat on the package and identification and appeals protocols. Following those exchanges, on 3 March, the Secretariat had communicated to the Government of Morocco in summary form the elements of the package that were essential to the preservation of its essence. On 7 March, the Under-Secretary-General for Peacekeeping Operations had continued those discussions with the Moroccan Minister of the Interior, Driss Basri at a meeting held in Paris. On 22 March, the Permanent Representative of Morocco had communicated in writing that his Government had accepted in principle the proposed packaged on the understanding that certain amendments would be incorporated in the identification and appeals protocols and that operational directives, together with a revised timetable, would be provided by MINURSO to the parties. The United Nations had also held informal consultations on developments related to the package with the Frente POLISARIO, both in Tindouf and in New York.

33. During those discussions, the Moroccan authorities had acknowledged the pertinence of the explanations given by the United Nations, which underlined the need to uphold the authority of the Identification Commission, to avoid a repetition of the identification exercise at the appeals hearings, while preserving the rights of every applicant, and at the same time to complete the identification and appeals operations within a reasonable and credible time-frame. On that basis, the Moroccan authorities had asked that the modalities for organizing the identification and appeals be consistent with the objective of holding the referendum by March 2000. They had also asked that the appeals procedure be launched no later than one month after the date of resumption of identification and that the provisional list of potential voters, from among the applicants identified thus far, be published on that date. As a result of such changes, the protocols and timetable would have to be adjusted accordingly.

34. The Security Council was further informed that in order to facilitate its future work and ensure its full responsibility, MINURSO expected to provide to the parties, at the end of March 1999, revised texts of the identification and appeals protocols which would incorporate necessary amendments, including revised dates. MINURSO would provide to the parties at the same time detailed operational directives and a revised timetable for the implementation of those protocols. The Secretary-General expressed the hope that, given the commitment of both parties to respect the essence of the package of measures, the operations would be conducted in strict conformity with the principles of equity on which the package had been based and that the time required for their completion would be reasonable.

35. The Secretary-General informed the Security Council that on 31 March 1999 his Special Representative's previously agreed term of service would come to an end and that he had accepted his resignation effective that date. He expressed gratitude to Mr. Dunbar for the considerable efforts that he had devoted to the cause of peace in Western Sahara and paid him tribute for the leadership he had displayed and for the outstanding dedication and professionalism with which he had undertaken this difficult mission.

36. The Secretary-General further informed the Security Council that the status-of-forces agreement between the United Nations and Morocco had been signed on 11 February 1999. With regard to paragraph 42 of the agreement, which contained provisions on the carriage of weapons, an arrangement between MINURSO and the Moroccan authorities detailing the implementation of those provisions would be elaborated in the near future.

37. MINURSO had initiated efforts with both parties to mark and destroy mines and unexploded ordnance in the mission area. A coordination meeting between MINURSO and the Royal Moroccan Army, held in Agadir on 11 and 12 March 1999, had resulted in the signing of a military agreement which would allow for the exchange of information about all previously identified mines and unexploded ordnance in the areas west and north of the defensive sand-wall (berm) and their step-by-step destruction by the Royal Moroccan Army, as well as about any incidents involving mines and unexploded ordinance. The Frente POLISARIO, while it had provided cooperation on the ground with respect to the issue, had not yet responded to the Force Commander's offer to engage in a similar effort.

38. The status of UNHCR in the Western Saharan Territory had been formalized by the Government of Morocco in January 1999, and UNHCR had moved into its new office premises in Laayoune in March 1999. The Government of Morocco had indicated that preparatory activities by UNHCR for repatriation that were other than technical should await the signature of the refugee repatriation protocol and, in the meantime, UNHCR could proceed with activities of a purely technical nature. The commencement of those activities had been the subject of discussions between UNHCR and its Moroccan counterparts on 29 January and 23 February 1999. As agreed at the last meeting, UNHCR had submitted on 5 March 1999 a written proposal for a joint reconnaissance of the repatriation routes in the Territory.

39. UNHCR had continued to maintain an active presence in the Tindouf refugee camps and to conduct regular visits in order to better understand the needs of the refugees and consolidate the confidence gained over the years. UNHCR was also enhancing its coordination role in the Tindouf camps with various non-governmental agencies and implementing partners to jointly identify refugee assistance requirements in the various sectors and better target assistance in the camps and planning for repatriation. However, UNHCR had been unable to resume the pre-registration exercise in the remaining two refugee camps in Tindouf, since the Frente POLISARIO had maintained its earlier position that the exercise remained subject to the implementation of the other measures in the package of proposals.

40. The Secretary-General expressed the hope that the clarifications and explanations provided by the United Nations to the Moroccan authorities since his last report would allow the process to go ahead without further delay and welcomed once again the prompt response by the Frente POLISARIO.

41. The Secretary-General informed the Security Council that in the light of the resignation of his Special Representative and pending the Council's decisions regarding the future status of MINURSO, he had designated Robin Kinloch, Chairman of the Identification Commission, as Acting Special Representative, with immediate effect. In that capacity, Mr. Kinloch would be able to continue his consultations with the parties with a view to implementing the United Nations package of measures.

42. He recommended that MINURSO's mandate be extended until 30 April 1999, in the hope that such an extension would provide sufficient time for an understanding to be reached among all concerned on detailed modalities for the implementation of the identification and appeals protocols, including a revised implementation schedule.

Security Council resolution 1232 (1999)

43. On 30 March 1999, the Security Council adopted resolution 1232 (1999), by which it decided to extend MINURSO's mandate until 30 April 1999 to allow for an understanding to be reached among all concerned on detailed modalities for the implementation of the identification and appeals protocols, including a revised implementation schedule, in a manner that would preserve the integrity of the Secretary-General's package of measures. The Council requested both parties to move ahead with the necessary discussions to reach an agreement on the refugee repatriation protocol, so that all aspects of the work needed to prepare the way for the repatriation of refugees might begin, including confidence-building measures. In that regard, it welcomed the decision of the Frente POLISARIO to allow the resumption of pre-registration activities by UNHCR in Tindouf. The Council also welcomed the signature, by the Government of Morocco and the MINURSO Force Commander, of the agreement on mines and unexploded ordinance and urged the Frente POLISARIO to engage in a similar effort. The Council requested the Secretary-General to report to it by 23 April 1999.

Secretary-General's report of 27 April 1999

44. Pursuant to Security Council resolution 1232 (1999) of 30 March 1999, the Secretary-General on 27 April 1999 submitted to the Council a comprehensive report on the situation in Western Sahara (S/1999/483). In his report, the Secretary-General recalled that he had visited the area in late 1998 and that both Morocco and the Frente POLISARIO had accepted the United Nations package of proposals submitted to them in October 1998. Discussions with the parties and suggestions from Morocco had enabled the drafting of amended protocols on the identification and appeals processes, together with detailed operational directives for the implementation of those protocols. The latter provided for the resumption of identification work on 1 June 1999 and its completion (subject to later confirmation by Morocco that it would provide two sheikhs for the identification of H61 Ait Ousa tribe applicants) in November 1999, for the start of the appeals process on 1 July 1999 and its completion by February 2000. In the revised outline calendar for the referendum process, it was envisaged that, with the continuing cooperation of both parties, the transition period could begin in February 2000, with a view to holding the referendum in July 2000. Following the military agreement of 12 March 1999 between MINURSO and the Royal Moroccan Army for the marking and destruction of mines and unexploded ordnance in the Mission area, the first clearance operation was successfully completed.

45. A similar military agreement was concluded by the MINURSO Force Commander with the Frente POLISARIO forces on 5 April. The Secretary-General also recalled that, as noted in his previous report (S/1999/307), those efforts should not be considered a substitute for the necessary deployment of a mine-clearance unit in due course to complete the Mission's mine-related tasks, in particular those required under the repatriation programme for Saharan refugees who are eligible to vote, and their immediate families.

46. Meanwhile UNHCR, in close consultation and coordination with MINURSO, continued its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan (S/21360 and S/22464 and Corr.1). At a meeting with the Moroccan Minister of the Interior at Laayoune on 8 April 1999, UNHCR received assurances that, as requested earlier, it could begin its preparatory activities in the Territory, including confidence-building measures, infrastructure development and logistics planning.

47. The revised outline calendar for the referendum process incorporated MINURSO's estimates for the completion of the identification and appeals processes in November 1999 and February 2000, and the beginning of the transition period in February 2000, leading to the referendum campaign in June-July 2000 and the referendum itself at the end of July 2000. However, the Secretary-General pointed out that timely implementation of the calendar was predicated upon many critical assumptions, including the authorization by the Security Council to begin preparations in July 1999 for the full deployment of MINURSO troops; the total cooperation of the parties in the identification of individual applicants from groups H41, H61 and J51/52 so as to maintain a rigorous programme without the delays and interruptions experienced in the past; the expectation that the appeals process would not be turned into a second round of identification for all applicants found ineligible; the completion by the end of 1999 of planning arrangements for repatriation; the deployment of formed military units, additional military observers and civilian police by January 2000; the reduction and confinement of troops on both sides; the demining of repatriation routes; the proclamation of a general amnesty; and a repatriation process that would be completed within 16 weeks, a considerably shorter time period than the current estimates of UNHCR.

48. On 13 May 1999, in an addendum to his report of 27 April (S/1999/483/Add.1), the Secretary-General communicated to the Council the text of five documents which he transmitted to Morocco and the Frente POLISARIO following the discussions between their representatives and the United Nations, held at Headquarters from 12 to 26 April 1999. The five documents were entitled: Protocol on the identification of the remaining individual applications from candidates belonging to tribal groupings H41, H61 and J51/52; Operational directives for the identification of the remaining individual applications from candidates belonging to tribal groupings H41, H61 and J51/52; Appeals process for the referendum in Western Sahara; Operational directives for the implementation of the appeals process; and Time-frame for the implementation of the Settlement Plan. In letters dated 28 April and 7 May respectively, the Frente POLISARIO and Morocco had informed the Secretary-General of their acceptance of the above-mentioned modalities.

Security Council resolution 1235 (1999)

49. On 30 April 1999, the Security Council adopted resolution 1235 (1999), by which it extended the mandate

of MINURSO until 14 May 1999 and requested the Secretary-General to keep the Council informed of all significant developments in the implementation of the Settlement Plan, the agreements reached with the parties and the continuing viability of MINURSO's mandate.

Security Council resolution 1238 (1999)

50. On 14 May 1999, the Security Council adopted resolution 1238 (1999), by which it extended the mandate of MINURSO until 14 September 1999 and requested the Secretary-General to report to it every 45 days on significant developments in the implementation of the Settlement Plan. The Council requested the Secretary-General to report, in particular, on the following issues which would form, *inter alia*, the basis of its consideration of a further extension of the mandate of MINURSO: full and unequivocal cooperation of the parties during the resumption of voter identification and during the start of the appeals process; agreement by the Government of Morocco on the modalities of implementing paragraph 42 of the Status of Forces Agreement; agreement of the parties on the protocol relating to refugees; and confirmation that UNHCR was fully operational in the region. The Council also requested UNHCR to provide it with recommendations for confidence-building measures and timeliness for their implementation.

Secretary-General's report of 25 June 1999

51. Pursuant to Security Council resolution 1238 (1999), the Secretary-General submitted to the Council on 25 June a report (S/1999/721) in which he recalled that on 18 May 1999, he had informed the Council of his decision to appoint William Eagleton (United States of America) as his Special Representative for Western Sahara (S/1999/590). The Council took note of his decision in a letter dated 21 May addressed to him by the President of the Council (S/1999/591). In his report, the Secretary-General informed the Council that Mr. Eagleton had taken up his responsibilities on 21 May and, before proceeding to the mission area, had undertaken consultations with the Secretary-General's Personal Envoy and senior officials of the United Nations, including the United Nations High Commissioner for Refugees, as well as representatives of the parties and interested Member States. Mr. Eagleton then flew to Rabat where he was received by His Majesty King Hassan II of Morocco and had also met with senior Moroccan officials. In Tindouf, in Algeria, he met with the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz, and other senior officials of the Frente POLISARIO. He also visited Laayoune before visiting Nouakchott, where he met the President of Mauritania, Maaouya Ould Sid'Ahmed Taya, and other Mauritanian senior officials. He finally went to Algeria, where he met with President Abdelaziz Bouteflika and other Algerian senior officials. Both parties and the neighbouring countries expressed their support for his efforts and their commitment to the implementation of the Settlement Plan. The identification operation had resumed on schedule on 15 June 1999, at one centre in Laayoune in the Territory and one in Camp Smara in the Tindouf area. On 21 June, two more centres had been opened, at Tan Tan and Goulimine in southern Morocco, and additional identification centres were to be opened in the weeks ahead. As at 24 June 1999, the total number of identified people since 28 August 1994 stood at 149,577.

52. UNHCR, in close consultation and coordination with MINURSO, continued its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan, with a joint Morocco-MINURSO exploratory mission to the Territory. Also, pre-registration was being carried out to ascertain the refugees' willingness to repatriate and to determine their final destinations in the Territory. UNHCR had also prepared a draft plan of action for its cross-border confidence-building measures aimed at creating confidence and trust within the refugee camps and in the Territory. The draft plan and its time-frame were to be presented to the Security Council, pursuant to resolution 1238 (1999), during the Council's informal consultations and thereafter to the parties for discussion of the implementation procedures. In conclusion, the Secretary-General stated that the agreements with the two parties on the resumption of the identification process and the initiation of the appeals process were being implemented as planned, with the cooperation of both sides. It was important that both parties should stay the course in that regard, in particular with respect to the launching of the appeals process, on 15 July 1999, in conjunction with the publication of the first part of the provisional voter's list.

Secretary-General's report of 12 August 1999

53. On 12 August 1999, pursuant to resolution 1238 (1999), the Secretary-General submitted a progress report (S/1999/875) to the Security Council. In the report, the Secretary-General stated that his Special Representative had

continued consultations with the two parties and interested Member States, with a view to securing implementation of the Settlement Plan and key provisions of the United Nations package. These included the initiation of the appeals process for identified applicants, the simultaneous identification of the remaining applicants from certain tribal groupings and the necessary preparations for the return of refugees and other Saharans residing outside the Territory who would be eligible to vote, together with their immediate families. Both Morocco and the Frente POLISARIO had expressed satisfaction that the time-frame envisaged in the package had been respected, namely by the resumption of the identification process on 15 June and the publication of the first part of the provisional list of eligible persons with the start of the appeals process on 15 July. At the same time, both parties had expressed cautious optimism for the next stages in the implementation of the Plan.

54. The Secretary-General informed the Security Council that he had attended the funeral of King Hassan II on 25 July, and had met briefly with His Majesty King Mohammed VI and senior Moroccan government officials, President Abdelaziz Bouteflika of Algeria, as well as with his Personal Envoy and Special Representative while in Rabat. In his Throne Speech on 30 July, His Majesty King Mohammed VI had renewed his commitment to Morocco's territorial integrity through the holding of a "confirmative" referendum under the auspices of the United Nations. The same day, President Bouteflika had reiterated that the Western Sahara issue should be dealt with by the United Nations and within the framework of the Houston Agreements, while the issue of Algeria's bilateral relations with Morocco was to be addressed between the two countries.

55. At a meeting with the Special Representative of the Secretary-General and the Identification Commission at Rabat on 31 July, the Minister of the Interior of Morocco, Driss Basri, had confirmed his country's determination to proceed with the holding of the referendum and had urged all concerned to speed up preparations for the repatriation of Saharan refugees, requesting UNHCR to increase activities to that effect.

56. At Rabat on 9 July, the Special Representative of the Secretary-General had met with Interior Minister Basri, who had reiterated Morocco's concern about several thousand applicants who had been eliminated during the review exercise undertaken by the Identification Commission throughout the identification process. In his reply of 9 July 1999 to the Moroccan Minister for Foreign Affairs, who had expressed similar concerns in a letter dated 14 May, the Secretary-General had emphasized that those applicants would have a full opportunity to seek and obtain redress through the appeals process, if it was concluded that they had been withdrawn without valid reason from the provisional list of voters. The Secretary-General had also explained the review procedures, which might reverse the initial decision of the interviewing Identification Commission member to include or to exclude applicants from the provisional list.

57. Two issues had caused delays in the identification operation for certain tribes in grouping H61, namely the appointment of sheikhs and that of their advisers. Under paragraph 9 of the identification protocol (see S/1999/483/Add.1), the parties were to appoint two sheikhs each for the identification of applicants from the Ait Ousa tribe, the first pair before 1 June 1999 and the second pair before 1 August 1999. Morocco's appointment of the latter was still awaited. With regard to the advisers to the sheikhs, that issue pertained only to the group of 13 tribes listed in paragraph 10 of the identification protocol. In that regard, Morocco had objected to the fact that the advisers designated by the Frente POLISARIO were not members of the tribes concerned. The Identification Commission and the United Nations Secretariat were of the opinion that, under paragraph 10 of the identification protocol, the adviser who could be designated for each of the 13 tribes did not have to be a member of the tribe concerned. Originally scheduled for 30 June 1999, the identification of applicants from that group of tribes had to be postponed, pending a resolution of the issue. The number of applicants interviewed since the start of the identification process on 28 August 1994 stood at 155,923.

58. The appeals process was launched by the Identification Commission on 15 July 1999, when the first part of the provisional list of persons authorized to vote was communicated by the Special Representative of the Secretary-General to the two parties and made public. That first part included 84,251 names of applicants found eligible to vote, out of 147,249 identified during the first two phases of the process from 28 August 1994 to 22 December 1995 and from 3 December 1997 to 3 September 1998.

59. During the reporting period, UNHCR, in close consultation and coordination with MINURSO, had continued its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan. A UNHCR mission had visited Laayoune from 13 to 15 July 1999 to discuss with MINURSO the ongoing preparations for the repatriation of Saharan refugees, as related to the revised time-frame for the implementation of the Plan. Discussions had focused on outstanding political issues, logistics planning, confidence-building measures and administrative matters. UNHCR and MINURSO had agreed

on the need for a common approach and had decided to hold a joint follow-up workshop in Laayoune in September 1999.

60. At a brief meeting with UNHCR in Rabat on 15 July 1999, Interior Minister Basri had conveyed his Government's full support and cooperation to enable UNHCR to complete its work for the return of refugees, in accordance with its mandate and as provided for in the Settlement Plan. Meanwhile, the Special Representative of the Secretary-General together with UNHCR had visited Tindouf, where he met with the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz, its Coordinator with MINURSO, Emhamed Khadad, and other POLISARIO officials, to review current planning for the repatriation of refugees and other issues.

61. The draft plan of action on confidence-building measures presented to the Security Council in June 1999 had been subsequently submitted to the parties, with a view to securing their cooperation on implementation procedures and a time-frame. During the preliminary discussions, both parties had concurred on the importance of such cross-border activities to create confidence both within the camps and in the Territory. The draft plan would be discussed with the Frente POLISARIO in Tindouf and with the Moroccan authorities during a mission scheduled for late August 1999.

62. In conclusion, the Secretary-General said that the resumption of the identification operation and the initiation of the appeals process, as well as the publication of the first part of the provisional voters list, had been achieved. Preparations for the repatriation of refugees were being stepped up by UNHCR and MINURSO with the parties concerned. It was now important that confidence-building measures be implemented promptly through the establishment of communication facilities and visits.

63. At the same time, he added, it should be recognized that delays in solving certain issues in the identification operation, the staggered opening of the appeals centres, compounded by difficulties in meeting the staffing requirements, had affected parts of the timetable for the referendum process. Special efforts were being made by the Secretariat to increase the staffing of the Identification Commission to the required levels. The full cooperation of both parties with MINURSO for the timely completion of the identification and appeals processes remained essential.